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TRANSMITTAL LETTER

AG-285-7
PATENT 61

Attorney Docket No.	Serial No.
151P08035US01	09/364,967

MS: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


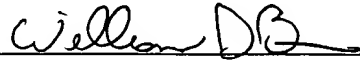
In re Application of:	Kevin J. Kelly et al.		
Serial No.:	09/364,967	Examiner:	Carol Tsai
Confirmation No.:	1149	Art Unit:	2857
Filed:	July 31, 1999		
For:	DEVICE & METHOD FOR DETERMINING & COMMUNICATING THE REMAINING LIFE OF A BATTERY IN AN IMPLANTABLE NEUROLOGICAL TISSUE STIMULATING DEVICE		

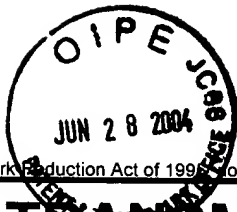
We are transmitting the following documents:

Return Postcard
Transmittal Letter [1 page]
Fee Transmittal [1 page]
Supplemental Information Disclosure Statement (37 C.F.R. 1.97(b)) [2 pages]
Information Disclosure Statement by Applicant [1 page]
Copy of six (6) prior art references

Please charge Deposit Account 50-0549 for any fees under 37 CFR §1.16 and §1.17 that may be required during the pendency of this application. This authorization includes the fee for any extension of time under 37 CFR §1.136(a) that may be necessary. To the extent any such extension should become necessary it is hereby requested.

Respectfully submitted,

Registration No. 28,052	Direct Dial 612-331-7405	
Date: June 24, 2004		William D. Bauer
United States Patent and Trademark Office Customer No. 23322		
Certificate of Mailing		
Pursuant to 37 CFR 1.8, I certify that this correspondence is being deposited in the United States mail, addressed to: MS: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below indicated date.		
		Signature 
Date of Mailing June 24, 2004		Printed Name William D. Bauer



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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

Application Number	09/364,967
Filing Date	July 31, 1999
First Named Inventor	Kevin J. Kelly et al.
Examiner Name	Carol Tsai
Art Unit	2857
Attorney Docket No.	151P08035US01

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

500549

IPLM Group, P.A.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent		- 20** =		X		
Multiple Dependent		- 3** =		X		

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	William D. Bauer	Registration No. (Attorney/Agent)	28,052	Telephone	612-331-7405
Signature		Date	June 29 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kevin J. Kelly et al. Examiner: Carol Tsai
Serial No.: 09/364,967 Art Unit: 1149
Filed: July 31, 1999 Confirmation No.: 1149
Docket No.: 151P08035US01

For: DEVICE & METHOD FOR DETERMINING & COMMUNICATING
THE REMAINING LIFE OF A BATTERY IN AN IMPLANTABLE
NEUROLOGICAL TISSUE STIMULATING DEVICE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 24, 2004.

William D. Bauer

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT (37 C.F.R. §1.97(b))

MS: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted after the mailing date of a final action under 37 C.F.R. §1.113 or after the mailing date of the Notice of Allowance under 37 C.F.R. §1.113, but before the payment of the Issue Fee.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

09364967

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Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialled by the Examiner, to the undersigned with the next official communication.

PETITION

Accordingly, this is a petition under 37 C.F.R. . §1.97(d)(ii) for consideration of the items listed on the enclosed Form 1449. Please charge the petition fee or any additional fees or credit any overpayment to Deposit Account No. 500549.

Respectfully submitted,

KEVIN J. KELLY ET AL.

Date: June 24, 2004

By: William D. Bauer
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Minneapolis, MN 55418
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WDB:dmw

**INFORMATION
DISCLOSURE
STATEMENT**

Atty. Docket No.: 151-P-08035US01

Serial No.: 09/364,967

Applicant(s): Kevin J. Kelly et al.

Confirmation No.: 1149

Filing Date: July 31, 1999

Group: 2857

JUN 28 2004

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	4,662,097	04/04/1978	Mann et al.			
	4,677,363	06/30/1987	Kopmann			
	5,458,624	10/17/1995	Renirie et al.			
	5,769,877	06/23/1998	Barreras, Sr.			
	6,108,579	08/22/2000	Snell et al.			
	6,148,235	11/14/2000	Kuiper			

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No

OTHER DOCUMENTS (Including Authors, Title, Date, Pertinent Papers, etc.)

Examiner Initial	Document Description

EXAMINER**Date Considered**

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.